



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

FEB 10 2017

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Evan Lang  
E.L.M Repair & Refrigeration, Inc.  
W141 Opportunity Lane  
P.O. Box 387  
Edgar, Wisconsin 54426

Re: Notice of Violation

Dear Mr. Lang:

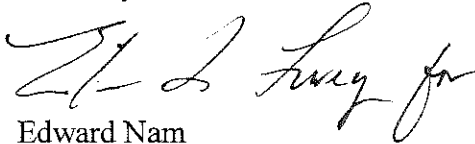
The United States Environmental Protection Agency (EPA) is issuing the attached Notice of Violation (NOV) to E.L.M. Repair and Refrigeration, Inc. (E.L.M. or you) for violating the Clean Air Act (the Act or CAA), 42 U.S.C. §§ 7401-7671q, and its implementing regulations. As summarized in the attached NOV, EPA determined that E.L.M. removed and/or rendered inoperative devices or elements of design installed on or in motor vehicles or motor vehicle engines and has sold and installed parts or components for motor vehicle engines that bypass, defeat, or render inoperative elements of design of those engines that were installed by the original equipment manufacturer in order to comply with CAA emission standards. EPA also determined that E.L.M. knew or should have known that these parts or components were offered for sale or installed for such use or put to such use. Therefore, E.L.M. violated sections 203(a)(3)(A) and (a)(3)(B) of the CAA, 42 U.S.C. §§ 7522(a)(3)(A) and (a)(3)(B).

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information in response to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures. You may have an attorney represent you at this conference.

Your EPA contact in this matter is Patrick Miller. You may contact him at (312) 886-4044, or [miller.patrick@epa.gov](mailto:miller.patrick@epa.gov), to request a conference. You should make the request within 10 calendar days following receipt of this letter. We will hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Nam", followed by a stylized flourish.

Edward Nam  
Director  
Air and Radiation Division

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

**E.L.M. Repair and Refrigeration, Inc.  
Edgar, Wisconsin**

Proceedings Pursuant to  
the Clean Air Act  
42 U.S.C. §§ 7521-7554

**NOTICE OF VIOLATION  
EPA-5-17-WI-01**

**NOTICE OF VIOLATION**

The United States Environmental Protection Agency (EPA) is issuing this Notice of Violation (NOV) to E.L.M. Repair and Refrigeration, Inc. (E.L.M.) for violating the Clean Air Act (the Act or CAA), 42 U.S.C. §§ 7401-7671q, and its implementing regulations. As detailed in this NOV, EPA determined that E.L.M. removed and/or rendered inoperative devices or elements of design installed on or in a motor vehicle or motor vehicle engine that were installed by the original equipment manufacturer in order to comply with CAA emission standards. Further, E.L.M. sold and/or installed parts or components on motor vehicle engines where the principal effect of the part or component is to bypass, defeat, or render inoperative elements of design of those engines. E.L.M. knew or should have known that the work performed on motor vehicles or motor vehicle engines and these parts or components were offered for sale or installed for such use or put to such use. Therefore, E.L.M. violated sections 203(a)(3)(A) and (a)(3)(B) of the CAA, 42 U.S.C. §§ 7522(a)(3)(A) and (a)(3)(B).

**Statutory and Regulatory Background**

This NOV arises under Part A of Title II of the CAA, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder. These laws were enacted to reduce air pollution from mobile sources of air pollution. In creating the CAA, Congress found, in part, that "the increasing use of motor vehicles...has resulted in mounting dangers to the public health and welfare." CAA § 101(a)(2), 42 U.S.C. § 7401(a)(2). Congress' purpose in creating the CAA, in part, was "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population," and "to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution." CAA § 101(b)(1)-(2), 42 U.S.C. § 7401(b)(1)-(2).

The CAA requires EPA to prescribe and revise, by regulation, standards applicable to the emission of any air pollutant from new motor vehicles or new motor vehicle engines which cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare. CAA §§202(a)(1) and (3)(B), 42 U.S.C. §§ 7521(a)(1) and (3)(B). Heavy duty diesel engines (HDDEs) are one category of motor vehicle engine for which EPA promulgated

emission standards. *See generally* 40 C.F.R. Part 86, Subpart A (setting emission standards for HDDEs). As required by the CAA, HDDE emission standards “reflect the greatest degree of emission reduction achievable through the application of [available] technology.” CAA § 202(a)(3)(A)(i), 42 U.S.C. § 7521(a)(3)(A)(i). Accordingly, EPA established increasingly stringent HDDE emission standards. 40 C.F.R. §§ 86.004-11, 86.007-11, and 86.099-11.

HDDE manufacturers employ many devices and elements of design to meet emission standards. *Element of design* means “any control system (i.e., computer software, electronic control system, emission control system, computer logic), and/or control system calibrations, and/or the results of systems interaction, and/or hardware items on a motor vehicle or motor vehicle engine.” 40 C.F.R. § 86.094-2. For example, HDDE manufacturers employ retarded fuel injection timing as a primary emission control device for emissions of oxides of nitrogen (NO<sub>x</sub>). Manufacturers also employ certain hardware devices as emission control systems to manage and treat HDDE exhaust to reduce levels of regulated pollutants from being created or emitted into the ambient air. Such devices include diesel oxidation catalyst (DOC), diesel particulate filter (DPF), exhaust gas recirculation (EGR), and selective catalytic reduction (SCR). Modern HDDEs are equipped with electronic control modules (ECMs). ECMs continuously monitor engine and other operating parameters and control the emission control devices.

The CAA makes it a violation for any person knowingly to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with the regulations under Title 2 of the CAA after the sale and delivery to the ultimate purchaser. CAA § 203(a)(3)(A), 42 U.S.C. § 7522(a)(3)(A).

The CAA also makes it a violation “for any person to manufacture or sell, or offer to sell, or install, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of the part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this subchapter, and where the person knows or should know that such part or component is being offered for sale or installed for such use or put to such use.” CAA § 203(a)(3)(B), 42 U.S.C. § 7522(a)(3)(B).

### **EPA Certification Program**

To ensure that every HDDE which may legally be sold, offered for sale, imported, delivered for introduction into commerce, or introduced into commerce in the United States (collectively, introduced into commerce) satisfies the applicable emission standards, the EPA runs a certification program. Under this program, the EPA issues certificates of conformity (COCs), thereby qualifying motor vehicles and motor vehicle engines, including HDDEs, for introduction into the commerce. 40 C.F.R. § 86.007-30. To obtain a COC, a HDDE manufacturer must submit a COC application to the EPA for each engine family and each model year in which it intends to manufacture or import HDDEs for introduction into commerce. The COC application must include, among other things, identification of the covered engine family, a description of the HDDEs and their emission control systems, all auxiliary emission control devices (AECDs) and the engine parameters they sense, as well as test results from a test engine showing that the engine satisfies the applicable emission standards. 40 C.F.R. §§ 86.004-21, 86.007-21, 86.094-

21, and 86.096-21; *see also* EPA, *Advisory Circular Number 24-3: Implementation of Requirements Prohibiting Defeat Devices for On-Highway Heavy-Duty Engines* (Jan. 19, 2001). An AECD is “any element of design which senses temperature, vehicle speed, engine RPM, transmission gear, manifold vacuum, or any other parameter for the purpose of activating, modulating, delaying, or deactivating the operation of any part of the emission control system.” 40 C.F.R. § 86.082-2.

A *defeat device* is an AECD “that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal vehicle operation and use, unless: (1) Such conditions are substantially included in the Federal emission test procedure; (2) The need for the AECD is justified in terms of protecting the vehicle against damage or accident; or (3) The AECD does not go beyond the requirements of engine starting.” 40 C.F.R. § 86.094-2. The EPA refuses to certify motor vehicle engines equipped with defeat devices. EPA, *Advisory Circular Number 24: Prohibition on use of Emission Control Defeat Device* (Dec. 11, 1972). For example, “onboard computer algorithms that improve fuel economy but increase NOx emissions in diesel engines during highway driving by retarding timing during transient engine operating conditions and advanced timing during steady state operating conditions are illegal defeat devices.” EPA, *Heavy-duty Diesel Engines Controlled by Onboard Computers*, VPCD-98-13 (HD Engine), at 2 (Oct. 15, 1998); *see also* EPA Press Release, *DOJ, EPA Announce One Billion Dollar Settlement With Diesel Engine Industry for Clean Air Act Violations* (Oct. 22, 1998) (describing enforcement cases based on HDDE manufacturers’ use of fueling strategies to improve fuel economy at the expense of drastically increased NOx emissions).

### **Alleged Violations**

E.L.M. sold, offered for sale, and/or installed software and hardware used on HDDEs. A principal effect of these products was to bypass, defeat, or render inoperative elements of the HDDEs design that control emissions of regulated air pollutants. Specifically, E.L.M. rendered inoperative the original engine manufacturers’ software (insofar as it controlled the fueling strategy and other elements of design) and replaced it with software that, among other things, controlled the fueling strategy. The software increased engine power and fuel economy. As stated above, fuel injection timing and hardware, including exhaust gas recirculation devices and exhaust after-treatment devices, are devices and elements of design that HDDE manufacturers employ to meet emission standards, and which they must describe in detail in their applications to EPA for COCs.

Additionally, E.L.M. modified, removed and/or rendered inoperative devices or elements of the HDDE design that control emissions of regulated pollutants. Specifically, E.L.M. modified, removed and/or rendered inoperative DOCs, DPFs, EGRs, and/or SCRs installed on HDDEs. In order for the HDDEs to operate without a DPF, EGR, and/or SCR, E.L.M. installed or modified software and hardware on the HDDE’s ECM to bypass the removed or modified device. As stated above, these devices and elements of the HDDE design control, manage, and treat HDDE exhaust to reduce levels of regulated pollutants from being created or emitted into the ambient air. HDDE manufacturers employ DOCs, DPFs, EGRs, and/or SCRs to meet emission standards and which they must describe in detail in their applications to EPA for COCs.

On June 4, 2015, EPA representatives inspected the E.L.M. facility in Edgar, Wisconsin. During the inspection, EPA representatives requested invoices related to the E.L.M.'s sale and installation of tuners and work performed on exhaust systems. E.L.M. provided the EPA representatives with 35 invoices for the period beginning in January 2013 through March 2015. On July 5, 2016, EPA issued a request for information to E.L.M. requesting additional documents related to invoices of work performed and sales of tuners. On September 21, 2016, E.L.M. provided an additional 50 invoices and documents related to E.L.M.'s purchases, sales, and work that impacted emission control devices on HDDEs.

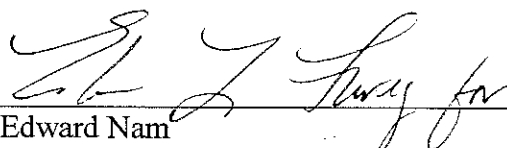
Based upon this information, EPA has determined that E.L.M. removed and/or rendered inoperative devices or elements of design installed on or in a motor vehicle or motor vehicle engine that were installed by the original equipment manufacturer in order to comply with CAA emission standards. Further, E.L.M. sold and/or installed parts or components on motor vehicle engines where the principal effect of the part or component is to bypass, defeat, or render inoperative elements of design of those engines. E.L.M. knew or should have known that the work performed on motor vehicles or motor vehicle engines and these parts or components were offered for sale or installed for such use or put to such use. Therefore, E.L.M. violated sections 203(a)(3)(A) and (a)(3)(B) of the CAA, 42 U.S.C. §§ 7522(a)(3)(A) and (a)(3)(B). Attachment A to this NOV specifically identifies the alleged violations.

#### **Enforcement Authority**

The EPA may bring an enforcement action for these violations under its administrative authority or by referring this matter to the United States Department of Justice with a recommendation that a civil complaint be filed in federal district court. CAA §§ 204 and 205, 42 U.S.C. §§ 7523 and 7524. Persons violating Section 203(a)(3)(B) of CAA, 42 U.S.C. § 7522(a)(3)(B), are subject to an injunction under Section 204 of CAA, 42 U.S.C. § 7523, and a civil penalty of up to \$4,454 for each violation. CAA § 205(a), 42 U.S.C. § 7524(a); 40 C.F.R. § 19.4.

2/10/17

Date

  
\_\_\_\_\_  
Edward Nam  
Director  
Air and Radiation Division

**Attachment A**

Work Order Number	Date	Make	Model	Engine	Year	Part/Work Description	Effect on Emission Control Device (ECD)	ECD
19114	1/10/2013	Dodge	Ram 2500	5.9L Diesel	2007	Exhaust Kit	Removes Emission Controls	DOC
19535	4/5/2013	N/A	N/A	N/A	2000	Tuner	Alter Fuel Injection	
19572	4/16/2013	N/A	N/A	N/A	2000	Tuner	Alter Fuel Injection	
19612	4/23/2013	Dodge	Ram 2500	5.9L Diesel	2006	Exhaust Kit	Removes Emission Controls	DOC
19695	5/7/2013	Dodge	Ram 2500	5.9L Diesel	2007	Tuner	Alter Fuel Injection	
19729	5/10/2013	Chevrolet	Silverado 2500 HD	6.6L Diesel	2006	Exhaust Kit	Removes Emission Controls	DOC
						Tuner	Bypasses Emission Controls	
19904	6/7/2013	Sprinter	N/A	N/A		Tuner	Alter Fuel Injection	
20258	8/6/2013	Dodge	Ram 2500	Cummins 5.9	2006	Exhaust Kit	Removes Emission Controls	DOC
20531	9/18/2013	Tractors	N/A	N/A		Tuner	Alter Fuel Injection	
20613	10/8/2013	Claas Harvester	Jaguar 960	Mercedes V-8 16.1L	2012	Exhaust Kit	Removes Emission Controls	SCR
						Tuner	Bypasses Emission Controls	
20631	10/9/2013	Kenworth	N/A	N/A	2014	Tuner	Alter Fuel Injection	
20794	11/19/2013	Case IH	N/A	N/A	2010	Tuner	Alter Fuel Injection	
20852	11/21/2013	Case IH	N/A	N/A	2010	Tuner	Alter Fuel Injection	
20892	11/30/2013	Ford	F550 Super duty	7.3L Power stroke Diesel	2002	Tuner	Alter Fuel Injection	
21244	2/10/2014	Chevrolet	Silverado 3500 HD	6.6L Diesel	2009	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	DPF, DOC
21563	3/25/2014	Dodge	Ram 3500	6.7L Diesel	2009	Exhaust Kit	Removes Emission Controls	DPF
						Tuner	Bypasses Emission Controls	

21691	4/24/2014	Dodge	Ram 2500	5.9L Diesel	2004	Exhaust Kit	Removes Emission Controls	DOC
21686	4/25/2014	GMC	Sierra 2500	6.6L Diesel	2010	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	DOC
21769	5/1/2014	Kenworth	T660	Cummins	2010	Muffler	Removes Emission Controls	DPF, SCR
21719	5/5/2014	Sterling	9513	Cummins 8.3 CR CM2150D	2008	Tuner	Alter Fuel Injection	
21833	5/14/2014	Chevrolet	Silverado 2500 HD	6.6L Diesel	2011	Exhaust Kit	Removes Emission Controls	DPF, DOC
							Removes Emission Controls	SCR
						Tuner	Bypasses Emission Controls	
21926	5/22/2014	Kenworth	T-800	Paccar MX 13	2012	Tuner	Bypasses Emission Controls	
						Muffler	Removes Emission Controls	SCR
							Removes Emission Controls	EGR
							Removes Emission Controls	DPF
21968	6/5/2014	Ford	F250 SD	6.4L Ford Powerstroke	2008	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	DPF
22136	6/25/2014	Dodge	Ram 3500	6.7L Diesel	2012	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
22272	7/17/2014	Dodge	Ram 3500	6.7L Diesel	2012	Exhaust Kit	Removes Emission Controls	DPF
							Removes Emission Controls	SCR
						Tuner	Bypasses Emission Controls	
22296	7/22/2014			Cummins ISB		Tuner	Alter Fuel Injection	



22414	8/7/2014	Dodge	Ram 3500	6.7L Diesel	2008	Exhaust Kit	Removes Emission Controls	DOC
						Tuner	Bypasses Emission Controls	
22517	8/20/2014	Chevrolet	Silverado 2500 HD	6.0L Flex	2012	Tuner	Alter Fuel Injection	
22580	9/3/2014	Kenworth	T700	12.9L Paccar	2011	Muffler	Removes Emission Controls	DPF
							Removes Emission Controls	SCR
						Tuner	Bypasses Emission Controls	
22697	9/16/2014	Ford New Holland	N/A	N/A	2011	Tuner	Alter Fuel Injection	
22635	9/17/2014	Dodge	Ram 5500	Cummins 6.7L CM2200B	2011	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
22591	9/18/2014	Freightliner	Columbia 120	Detroit S60 14.0L	2008	Tuner	Bypasses Emission Controls	
						Muffler	Removes Emission Controls	DPF
						EGR Kit	Removes Emission Controls	EGR
22817	10/9/2014	New Holland	FX40 Forage Harvester	Iveco 12.9L Tier II	2007	Tuner	Alter Fuel Injection	
22810	10/8/2014	Western Star	4900SA	Detroit DD15 14.8L	2010	Tuner	Alter Fuel Injection	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
22777	10/6/2014	Kenworth	T660	Cummins ISX MC2250	2013	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
23000	11/30/2014	Kenworth	W9000	Cummins ISX CM2250	2012	Muffler	Removes Emission Controls	DPF

							Removes Emission Controls	SCR
						Turbo Exhaust	Removes Emission Controls	EGR
						Tuner	Bypasses Emission Controls	
23060	11/30/2014	Kenworth	T800	ISX15 CM23550	2014	Muffler	Removes Emission Controls	DPF
							Removes Emission Controls	SCR
						Turbo Exhaust	Removes Emission Controls	EGR
						Tuner	Bypasses Emission Controls	
23152	12/3/2014	Ford	F-350 Super Duty	6.4L Diesel	2008	Exhaust Kit	Removes Emission Controls	DPF
						Tuner	Bypasses Emission Controls	
23253	12/29/2014	Kenworth	T700	Paccar MX 13	2011	Exhaust Kit	Removes Emission Controls	DPF
							Removes Emission Controls	SCR
						Tuner	Bypasses Emission Controls	
23247	12/31/2014	Kenworth	T800	Cummins ISX CM871	2010	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF
23142	1/15/2015	Kenworth	T800	Cummins ISX CM871	2008	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF
23362	1/15/2015	International	Prostar Premium	Cummins ISX CM2250	2010	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF
23428	1/23/2015	Kenworth	T800	Cummins ISX CM2250	2013	Tuner	Bypasses Emission Controls	

						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
23381	1/23/2015	Kenworth	T600	Cat C13 Acert DPF	2008	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	DPF
23448	1/28/2015	Dodge	Ram 3500	5.9L Diesel	2002	Tuner	Alter Fuel Injection	
23459	1/29/2015	Kenworth	T800	Cat C13	2009	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Exhaust Kit	Removes Emission Controls	DPF
23432	2/5/2015	Peterbilt	Conventional 389	Cat C15 Acert DPF	2009	Exhaust Kit	Removes Emission Controls	DPF
						Tuner	Bypasses Emission Controls	
23530	2/6/2015	Kenworth	T680	Cummins ISX CM2250	2013	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
23521	2/13/2015	Kenworth	T660	Cummins ISX MC871	2010	Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF
						Tuner	Bypasses Emission Controls	
23608	2/17/2015	Dodge	Ram 2500	5.9L Diesel	2000	Tuner	Alter Fuel Injection	
23747	3/6/2015	Dodge	N/A	N/A	2001	Tuner	Alter Fuel Injection	
23793	3/14/2015	Kenworth	W9000	Cummins ISX CM870	2007	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR

						Muffler	Removes Emission Controls	DPF
23759	3/14/2015	Kenworth	T700	Paccar MX 13	2011	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
23872	3/31/2015	Kenworth	T800	ISX	2010	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF
23986	4/16/2015	Peterbilt	Conventional 335	Cummins ISC PX-8	2010	Tuner	Bypasses Emission Controls	
						Muffler	Removes Emission Controls	DPF
23715	4/22/2015	Kenworth	T660	Paccar MX 13	2012	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
24132	5/7/2015	Freightliner	Conventional ST120	Series 60 (Detroit)	2007	Muffler	Removes Emission Controls	DPF
						EGR Kit	Removes Emission Controls	EGR
						Tuner	Bypasses Emission Controls	
24248	5/21/2015	Freightliner	Cascadia 125	Cummins ISX CM871	2010	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF
24250	5/21/2015	Kenworth	T700	Cummins ISX CM2250	2012	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF

24308	6/5/2015	Peterbilt	320	Cummins ISL	2010	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
24736	8/10/2015	Kenworth	T680	Cummins ISX15	2014	Tuner	Bypasses Emission Controls	
24692	8/10/2015	Kenworth	T680	Cummins CM2250	2013	Muffler	Removes Emission Controls	DPF
						Tuner	Bypasses Emission Controls	
24994	9/1/2015	Ford	F-450 Super Duty	6.7L Diesel	2012	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	DPF
							Removes Emission Controls	SCR
25040	9/10/2015	Ford	F-350	6.7L Diesel	2012	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
25308	10/20/2015	Kenworth	T660	Paccar MX 13	2012	Tuner	Alter Fuel Injection	
25501	11/23/2015	Kenworth	T800	Cummins ISX CM871	2009	Tuner	Bypasses Emission Controls	
						Turbo Exhaust	Removes Emission Controls	EGR
						Muffler	Removes Emission Controls	DPF
25577	12/2/2015	Chevrolet	Silverado 2500 HD	6.7L Diesel	2012	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF
26101	2/26/2016	Dodge	Ram 3500	6.7L Diesel	2009	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	DPF
27168	7/7/2016	Kenworth	T700	Paccar MX 13	2013	Tuner	Bypasses Emission Controls	DPF

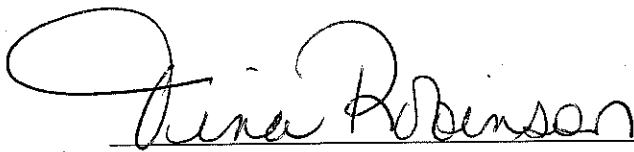
27280	7/18/2016	Dodge	Ram 4500 ST/SLT	6.7L Diesel	2011	Tuner	Bypasses Emission Controls	
						Exhaust Kit	Removes Emission Controls	SCR
							Removes Emission Controls	DPF

**CERTIFICATE OF MAILING**

I, Kathy Jones, certify that I sent a Finding of Violation, No. EPA-5-17-WI-01, by Certified Mail, Return Receipt Requested, to:

Evan Lang  
E.L.M. Repair and Refrigeration, Inc.  
W141 Opportunity Lane  
P.O. Box 387  
Edgar, Wisconsin 54426

On the 13<sup>th</sup> day of February 2017.

  
for Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7646 9999

## U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

### EPA's Small Business Websites

Small Business Environmental Homepage - [www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

Small Business Gateway - [www.epa.gov/smallbusiness](http://www.epa.gov/smallbusiness)

EPA's Small Business Ombudsman - [www.epa.gov/sbo](http://www.epa.gov/sbo) or 1-800-368-5888

#### EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/  
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

#### EPA's Compliance Assistance Centers

[www.assistancecenters.net](http://www.assistancecenters.net)

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

#### Agriculture

[www.epa.gov/agriculture/](http://www.epa.gov/agriculture/)

#### Automotive Recycling

[www.ecarcenter.org](http://www.ecarcenter.org)

#### Automotive Service and Repair

[www.ccar-greenlink.org](http://www.ccar-greenlink.org) or 1-888-GRN-LINK

#### Chemical Manufacturing

[www.chemalliance.org](http://www.chemalliance.org)

#### Construction

[www.cicacenter.org](http://www.cicacenter.org) or 1-734-995-4911

#### Education

[www.campuserc.org](http://www.campuserc.org)

#### Food Processing

[www.fpeac.org](http://www.fpeac.org)

#### Healthcare

[www.hercenter.org](http://www.hercenter.org)

#### Local Government

[www.lgean.org](http://www.lgean.org)

#### Metal Finishing

[www.nmfrc.org](http://www.nmfrc.org)

#### Paints and Coatings

[www.paintcenter.org](http://www.paintcenter.org)

#### Printed Wiring Board Manufacturing

[www.pwbrc.org](http://www.pwbrc.org)

#### Printing

[www.pneac.org](http://www.pneac.org)

#### Ports

[www.portcompliance.org](http://www.portcompliance.org)

#### U.S. Border Compliance and Import/Export Issues

[www.bordercenter.org](http://www.bordercenter.org)

#### Hotlines, Helplines and Clearinghouses

[www.epa.gov/epahome/hotline.htm](http://www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

#### Antimicrobial Information Hotline

[info-antimicrobial@epa.gov](mailto:info-antimicrobial@epa.gov) or  
1-703-308-6411

#### Clean Air Technology Center (CATC) Info-line

[www.epa.gov/ttn/catc](http://www.epa.gov/ttn/catc) or 1-919-541-0800

#### Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/  
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

#### EPA Imported Vehicles and Engines Public Helpline

[www.epa.gov/otaq/imports](http://www.epa.gov/otaq/imports) or  
734-214-4100

#### National Pesticide Information Center

[www.npic.orst.edu/](http://www.npic.orst.edu/) or 1-800-858-7378

#### National Response Center Hotline - to report oil and hazardous substance spills

[www.nrc.uscg.mil](http://www.nrc.uscg.mil) or 1-800-424-8802

#### Pollution Prevention Information Clearinghouse (PPIC)

[www.epa.gov/opptintr/ppic](http://www.epa.gov/opptintr/ppic) or  
1-202-566-0799

#### Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.  
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

#### Stratospheric Ozone Protection Hotline

[www.epa.gov/ozone](http://www.epa.gov/ozone) or 1-800-296-1996



## U. S. EPA Small Business Resources

### Toxic Substances Control Act (TSCA) Hotline

[tsc hotline@epa.gov](mailto:tsc hotline@epa.gov) or 1-202-554-1404

### Wetlands Information Helpline

[www.epa.gov/owow/wetlands/wetline.html](http://www.epa.gov/owow/wetlands/wetline.html) or 1-800-832-7828

### State and Tribal Web-Based Resources

#### State Resource Locators

[www.envcap.org/statetools](http://www.envcap.org/statetools)

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

#### State Small Business Environmental Assistance Programs (SBEAPs)

[www.smallbiz-enviroweb.org](http://www.smallbiz-enviroweb.org)

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

#### EPA's Tribal Compliance Assistance Center

[www.epa.gov/tribalcompliance/index.html](http://www.epa.gov/tribalcompliance/index.html)

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

#### EPA's Tribal Portal

[www.epa.gov/tribalportal/](http://www.epa.gov/tribalportal/)

The Portal helps users locate tribal-related information within EPA and other federal agencies.

#### EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

#### EPA's Small Business Compliance Policy

[www.epa.gov/compliance/incentives/smallbusiness/index.html](http://www.epa.gov/compliance/incentives/smallbusiness/index.html)

This Policy offers small businesses special incentives to come into compliance voluntarily.

#### EPA's Audit Policy

[www.epa.gov/compliance/incentives/auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

### Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at [www.sba.gov/ombudsman](http://www.sba.gov/ombudsman).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

### Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

*EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.*